

REMARKS

Applicant respectfully requests entry of the foregoing and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, and in light of the remarks which follow.

Claims 39-55 are pending in the application, claims 56-81 having been cancelled above without prejudice to or disclaimer of the subject matter therein. Applicant reserves the right to pursue patent protection for the subject matter of the canceled claims in one or more continuing applications.

Applicant thanks the Examiner for indicating that the pending claims are distinguished from the prior art of record. Applicant also thanks the Examiner for the Examiner-initialed copies of Applicant's PTO Form 1449s, which Applicant submitted with its Information Disclosure Statements (IDSs) of August 12, 2005, March 15, 2006, and December 18, 2006.

Upon reviewing the prosecution history to date, it appears that Applicant claimed priority under 35 U.S.C. §119 to FR 0202955 filed March 8, 2002. However, the present and preceding Official Actions do not appear to acknowledge Applicant's claim for foreign priority under § 119 or indicate that a certified copy of the priority document has been received. Accordingly, Applicant respectfully requests that its claim for priority under § 119 be acknowledged in the next Official Action.

Also, although Applicant has received Examiner-initialed copies of the Form PTO-1449s for the IDSs Applicant filed on August 12, 2005, March 16, 2006, and December 18, 2006, Applicant does not appear to have received an initialed copy of the Form PTO-1449 that Applicant submitted with its First IDS on September 3, 2004. A copy of Applicant's First IDS and accompanying Form PTO-1449 is

attached for the Examiner's convenience. Applicant respectfully requests that the Examiner consider the references cited therein and return an initialed copy of the Form PTO-1449 with the next official communication in this application. If it is believed that Applicant has overlooked the initialed copy of the PTO Form 1449, Applicant respectfully requests that the Examiner direct the Applicant to the official communication to which the initialed Form was attached.

By the above amendments, Applicant amended claims 39-55 to address § 112 issues and minor informalities. A claim that has been amended in a manner that does not narrow the claim's scope should be accorded its full range of equivalents.

Turning now to the Official Action, claims 39-55 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. For at least the reasons that follow, withdrawal of the rejection is in order.

First, concerning the rejection of the claims for not defining the equipment or apparatus used to carry out calcination and the Official Action's proposal to amend the independent claims to refer to a fluidized bed, Applicant respectfully submits that the claims in their present form satisfy the requirements of § 112, second paragraph. That is, Applicant submits that when the claims are read in light of (1) the content of the application disclosure, (2) the teachings of the prior art and (3) the claim interpretation that would be given by possessing the ordinary level of skill in the pertinent art at the time of invention, one would be readily able to determine whether his or her conduct falls within the scope of the claim. Nevertheless, in an effort to expedite prosecution of the application, Applicant has amended the independent claims to provide a recitation of an exemplary gypsum dryer/calcliner in which the

claimed process for calcining gypsum can be performed. Support for these amendments can be found at least at page 1 paragraphs [0009] to [0013] and page 2, paragraph [0049] of the specification.

Concerning the suggestion that Applicant further amend the claims by inserting a "A" before the term "process" in the independent claims and a "The" before the word "process" in the dependent claims as well as a "c" in the word "Claim" in each of the dependent claims, Applicant has made the suggested amendments to expedite prosecution of the application even though it is believed that such amendments are not necessary to comply with § 112.

Finally, concerning the use of the term "type" in claims 43, 49, 52 and 54, Applicant again respectfully submits that persons of skill in the art reading the claims in light of the application's disclosure, the teachings of the prior art, and the claim interpretation that would be given by one possessing the ordinary level of skill in the art at the time of the invention, would be readily able to determine whether their conduct falls within the scope of claims 43, 49, 52 and 54. Again, however, in an effort to expedite prosecution of the application, Applicant has amended the claims by deleting "type" and re-phrasing the claims to read, in part, "...wherein the calcining is a flash calcination... ."

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph, rejections.

From the foregoing, Applicant earnestly solicits further and favorable action in the form of a Notice of Allowance.

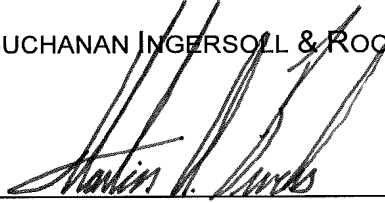
If there are any questions concerning this paper or the application in general,
Applicant invites the Examiner to telephone the undersigned at the Examiner's
earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 22, 2009

By:



Martin A. Bruehs
Registration No. 45635

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620